

TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 1424 Howe Avenue, Greg Gorges Conference Room, Sacramento, California, at 10:00 a.m., on 20 November 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office not later than 5:00 p.m. on 17 November 2003 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 148, and 3510 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9, 148, 3502, and 3502.1 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Section 1399.544.

Section 1399.540 of the California Code of Regulations requires that a Delegation of Services Agreement be adopted by a physician assistant and his or her supervising physician. Additionally, a physician assistant and his or her supervising physician may adopt protocols as set forth in section 1399.545.

Section 3502.1 of the Business and Professions Code requires that a supervising physician who delegates the authority to issue a drug order to a physician assistant shall first prepare and adopt, or adopt, a written practice specific, formulary and protocols that specify all criteria for the use of a particular drug or device, and any contraindications for the selection.

This proposal would require that the Delegation of Services Agreement, written protocols, and formulary be maintained at all practice sites where the physician assistant practices.

Additionally, this proposal would require that, if requested, the Delegation of Services

Agreement, protocols, and formulary be made available to any agent of the Physician Assistant Committee, Medical Board of California, or Osteopathic Medical Board.

Amend Section 1399.571.

The existing regulation specifies that the executive officer may issue citations for violations of specific code sections listed in section 1399.571.

This proposal would add violation of section 1399.544 to the list of citable offenses.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees.

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Physician Assistant Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not affect small businesses because it only affects individual physician assistant licensees.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 1424 Howe Avenue, Suite 35, Sacramento, California 95825-3237.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Glenn L. Mitchell
Address: 1424 Howe Avenue, Suite 35
Sacramento, CA 95825-3237

Telephone No.: (916) 263-2670 ext. 203
Fax No.: (916) 263-2671
E-Mail Address: gmitchell@medbd.ca.gov

The backup contact person is:

Name: Richard L. Wallinder
Address: 1424 Howe Avenue, Suite 35
Sacramento, CA 95825-3237
Telephone No.: (916) 263-2670 ext. 202
Fax No.: (916) 263-2671
E-Mail Address: rwallinder@medbd.ca.gov

Website Access : Materials regarding this proposal can be found at:
www.physicianassistant.ca.gov.